

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

OLANREWAJU ENILARI,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. _____
v.)	
)	
ARAB CARTAGE & EXPRESS)	
COMPANY, INC.; ARCH)	
INSURANCE COMPANY; and)	
RONNIE CHILDERS,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants and, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On February 9, 2023, plaintiff filed a complaint in the State Court of Gwinnett County, Georgia, Civil Action No. 23-C-00905-S6, which county is within the Atlanta Division of the Northern District of Georgia.

2.

This notice of removal is filed within the time period prescribed by 28 U.S.C. § 1446(b).

3.

Defendant Ronnie Childers was served on February 10, 2023; Arch Insurance Company ("Arch") was served on February 15, 2023; and Arab Cartage & Express Company, Inc. ("Arab Cartage") was served on February 16, 2023.

4.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders filed or served in connection with this action, other than those attached hereto.

5.

This Court has original jurisdiction over plaintiff's claims under 28 U.S.C. § 1332.

6.

There is complete diversity among the parties.

7.

Plaintiff is a citizen of Georgia. (*See* Compl. ¶ 5.)

8.

Ronnie Childers is a citizen of Alabama. (Compl. ¶ 4.)

9.

Arab Cartage is an Alabama corporation with its principal place of business in Alabama. (Compl. ¶ 3.) Accordingly, it is a citizen of Alabama for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

10.

Arch is a Missouri corporation with its principal place of business at 210 Hudson Street, Suite 310 in Jersey City, New Jersey. (Compl. ¶ 2.) Accordingly, Arch is a citizen of Missouri and New Jersey for diversity purposes. 28 U.S.C. § 1332(c)(1).

11.

Defendants make a plausible allegation that plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 135 S. Ct. 547, 554 (2014). Specifically, plaintiff is seeking general and special damages for personal injuries, including for past and future medical expenses, lost wages, attorney's fees, past and future pain and suffering, and all other damages allowable under Georgia law. Additionally, before filing suit, plaintiff demanded payment of well in excess of \$75,000 to settle his claims, which amount included \$121,926.80 in claimed past and future medical expenses. *See*

Lucas v. USAA Casualty Ins. Co., 716 F. App'x 866, 867 n.1 (11th Cir. 2017) (plaintiff's pre-suit settlement demand in excess of \$75,000 satisfied amount-in-controversy requirement); *AAA Abachman Enters., Inc. v. Stanley Steamer Int'l, Inc.*, 268 F. App'x 864, 865 (11th Cir. 2008) (same).¹

12.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Gwinnett County, Georgia.

¹ Plaintiff's settlement demand is not attached hereto but can be provided upon request.

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2023, I filed the foregoing *NOTICE OF REMOVAL* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

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